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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,511	03/15/2006	Alan H. Winfield	46094.30	5066
22828 7590 10/31/2007 EDWARD YOO C/O BENNETT JONES 1000 ATCO CENTRE 10035 - 105 STREET EDMONTON, ALBERTA, AB T5J3T2 CANADA			EXAMINER CAJILIG, CHRISTINE T	
			ART UNIT 3633	PAPER NUMBER
			MAIL DATE 10/31/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/534,511	Applicant(s) WINFIELD, ALAN H.	
	Examiner Christine T. Cajilig	Art Unit 3633	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/16/06, 9/24/07</u> | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The references cited in the Search Report for PCT/CA 02/01753 have been considered, but will not be listed on any patent resulting from this application because they were not provided on a separate list in compliance with 37 CFR 1.98(a)(1). In order to have the references printed on such resulting patent, a separate listing, preferably on a PTO/SB/08A and 08B form, must be filed within the set period for reply to this Office action.

The information disclosure statement filed 5/16/06 fails to fully comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the cited patent number 1,160,386, the name of patentee, and the issue date do not correspond. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

### ***Specification***

The disclosure is objected to because of the following informalities: (1) Page 4 line 14 contains double periods after "members." (2) The reference number "40" is used

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to designate both the desiccant and the sealed tube in line 5 of page 5. (3) The reference number "44" is used to designate both the desiccant tube and the conduit in lines 11-12 of page 5.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stoneback (U.S. Patent No. 2,276,112) in view of Shinagawa (U.S. Patent No. 4,658,553).

Regarding claim 1, Stoneback in Figures 4-6 discloses a heat insulation window comprising a pair of outer panes (11, 13) defining an air space (14) therebetween and a frame (10) surrounding a perimeter of the window, wherein the frame comprises at least one desiccant concealing member (30) which is hollow and detachable from the frame; a desiccant cartridge (20) removably disposed within the desiccant concealing member and conduit means (22) for providing gas communication between the air space and the desiccant cartridge, but does not disclose a spacing member disposed between the outer panes which maintain the panes in a spaced-apart relationship, the spacing member being hollow and defining openings permitting gas communication between the

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air space and the interior volume of the spacing member; and a desiccant material contained within the spacing member. Hollow spacing members between two panes of glass are old and well known in the art of windows. Nonetheless, Shinagawa in Figures 7 and 9 discloses an insulated window comprising a transparent spacing member (17) along edges of two glass panes, the spacing member disposed between the outer panes which maintain the panes in a spaced-apart relationship, the spacing member being hollow and defining openings (172a) permitting gas communication between the air space and the interior volume of the spacing member; and a desiccant material (15) contained within the spacing member to maintain the space between two glass panes without obstructing the view through the window. Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify the structure of Stoneback to have a spacing member disposed between the outer panes which maintain the panes in a spaced-apart relationship, the spacing member being hollow and defining openings permitting gas communication between the air space and the interior volume of the spacing member; and a desiccant material contained within the spacing member as taught by Shinagawa to provide reinforcing and maintained spacing between the two glass panes.

Regarding claim 2, Stoneback already modified by Shinagawa discloses the structure above and further discloses that the conduit means provides gas communication between the interior volume of the spacing member and the desiccant cartridge.

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Regarding claim 3, Stoneback already modified by Shinagawa discloses the structure above and further discloses that the desiccant cartridge (20) comprises an elongated cylindrical tube (36).

Regarding claim 5, Stoneback already modified by Shinagawa discloses the structure above and further discloses that the cross-sectional profile comprises two linear segments (27, 30) joining at a substantially right angle.

Regarding claim 6, Stoneback already modified by Shinagawa discloses the structure above and further discloses that the frame (10) comprises an outer channel member (where 11 rests), an inner channel member (28), a web member (a) disposed between the outer and inner channel members, wherein the desiccant concealing member is detachably connected to the inner channel member (via 29).

Regarding claim 7, Stoneback already modified by Shinagawa discloses the structure above and further discloses that the desiccant concealing member comprises a first lip (diagonal leg of 29) and a second lip (horizontal leg of 29) which each engage an undercut groove in the inner channel member (28), but does not disclose that the desiccant concealing member is comprised of a resilient material. However, it would have been obvious to one having ordinary skill in the art at the time of invention to use a resilient material (such as plastic), since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

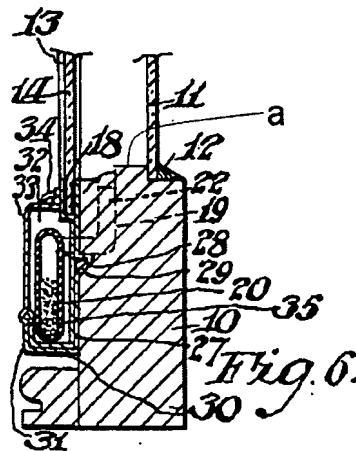
Regarding claims 1 and 4, Stoneback in Figure 2 discloses a heat insulation window comprising a pair of outer panes (11, 13) defining an air space (14)

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therebetween and a frame (10) surrounding a perimeter of the window, wherein the frame comprises at least one desiccant concealing member (24) which is hollow and detachable from the frame; the desiccant concealing member (24) is elongated and has a substantially U-shaped cross-sectional profile; a desiccant cartridge (20) removably disposed within the desiccant concealing member and conduit means (22) for providing gas communication between the air space and the desiccant cartridge, but does not disclose a spacing member disposed between the outer panes which maintain the panes in a spaced-apart relationship, the spacing member being hollow and defining openings permitting gas communication between the air space and the interior volume of the spacing member; and a desiccant material contained within the spacing member. Hollow spacing members between two panes of glass are old and well known in the art of windows. Nonetheless, Shinagawa in Figures 7 and 9 discloses an insulated window comprising a transparent spacing member (17) along edges of two glass panes, the spacing member disposed between the outer panes which maintain the panes in a spaced-apart relationship, the spacing member being hollow and defining openings (172a) permitting gas communication between the air space and the interior volume of the spacing member; and a desiccant material (15) contained within the spacing member to maintain the space between two glass panes without obstructing the view through the window. Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify the structure of Stoneback to have a spacing member disposed between the outer panes which maintain the panes in a spaced-apart relationship, the spacing member being hollow

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and defining openings permitting gas communication between the air space and the interior volume of the spacing member; and a desiccant material contained within the spacing member as taught by Shinagawa to provide reinforcing and maintained spacing between the two glass panes.



Stoneback '112

### Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Day (US 4394806) insulated window; Ault et al. (US 4856243) insulated window; Haux (US 2202694) insulated double glazed window; Day (US 4065894) window with replaceable desiccant; Toney (US 2174279) double window construction.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine T. Cajilig whose telephone number is (571) 272-8143. The examiner can normally be reached on Monday - Friday from 9am - 4pm.

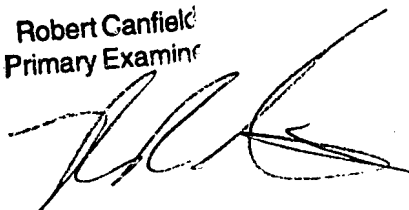


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Canfield can be reached on (571) 272-6840. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CTC/  
10/26/07

Robert Canfield  
Primary Examiner

A handwritten signature in black ink, appearing to be 'R. Canfield', written over a horizontal line.